

Notice of Allowability

Application No.

09/550,387

Examiner

Ted T. Vo

Applicant(s)

MORALES ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/25/05.
2. ☒ The allowed claim(s) is/are 1-6, 8-24, 31-39, 41-57, 64-72, 74-90 and 97-99.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/16/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ted T. Vo

Primary Examiner

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1. This communication is in response to the substitute amendment filed on 01/25/05.

- Claims 7, 25-30, 40, 58-63, 73, 91-96 are canceled in the amendment.

- The amendment, which has rewritten Claims 1, 34, and 67 into independent forms as addressed in Allowable Subject Matter in the Office Action, dated on 04/15/04, including limitations of the base claims and intervening claims, overcomes the closest art of record, Tse (US Pat. No. 5,742,754).

- Applicants point out regarding to the Double Patenting subject matter (Remarks: substitute amendment: page 22, forth paragraph) that the new amended limitation including an initialization test phase for preparing the test environment makes distinction from Morales et al., (US Pat. No. 6,687,834). The amendment overcomes the Double Patenting over the prior art of record, Morales et al., (US Pat. No. 6,687,834).

- The Amendment and arguments to independent Claims 31-33, 64-66, and 97-99 have been fully considered and have overcome the rejection under the prior art of record, Tse (US Pat. No. 5,742,754).

- Tse remains the closest art of record.

2. The IDS files on 11/16/04 will be accepted, as a substitution for the IDS filed on 04/14/2000, where the IDS filed on 04/14/2000 is not signed by a power attorney of record. The cited references listing in form PTO 1449 in the IDS (filed on 11/16/04) are be marked with "strike through" because these contents have already been considered and initialed by Examiner in the Office action mailed date: 04/15/2004.

Reasons for Allowance

3. Claims 1-6, 8-24, 31-39, 41-57, 64-72, 74-90, 97-99 are allowed.

Prior art of record, Tse, discloses including testing. The test includes creating an initialization request within a server computer system with a software product to be tested and an associated test suite. The test suite is designed to exercise the software product and to generate failure logs indicative of

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test results, and thus give a user a determination of testing. The test also provides Spawn Build where the test coverage build process is spawned. Tse's testing does not disclose a feature as an initialization test phase for preparing the test environment for testing the software application where the initialization test phase capable of being executed prior to an availability of said software application.

Applicants point out the Claims 1, 34, and 67 have been amended as indicated in the prior Allowable Subject Matter and the amended Claims incorporate the feature as indicated above, and also point out that the feature as amended is distinct from Morales et al., (US Pat. No. 6,687,834) in regard to double patenting (Remarks: Substitute Amendment: page 22, fourth paragraph, and last (sixth) paragraph).

Furthermore, in regarding to Claims 31 and 32, Applicants point out (Remarks: Substitute Amendment: page 23) that Tse does not discuss even-driven workflow manager, and the failure log is not defined until after all computers have completed executing thus Tse fails to teach not only an even-driven workflow manager, but also fails to teach suspending execution of others of said plurality of tests being executed in response to a failure of said validation procedure to validate said result of said one of said plurality of tests (Remarks: Substitute Amendment: page 23, lines 19-24) and terminating execution of others of said plurality of tests being executed in response to a failure of said validation procedure to validate said result of said one of said plurality of tests (Remarks: Substitute Amendment: page 23, lines 26-28). In regarding to Claims 33 (Remarks: Substitute Amendment: page 24, first paragraph) Applicants also point out the "spawning" described at step 155 (Figure 5A) of Tse as "the process by which the test coverage build process occurs" and point out that the word "spawn" by Tse can not be sufficient basis for Claim 33 (Remarks: Substitute Amendment: page 24, lines 3-11) which recites "spawning a new process in response to said execution of a validation procedure to determine a result of execution of said one of said plurality of tests."

Claims 64-66, and 97-99 recite the limitations corresponding to Claims 31-33 respectively.

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention as *cross platform administrative framework configured to manage administrative services in a service system, and event service, comprising a*

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system administrative subsystem, a data management subsystem, an event service framework and comprising at least features:

"establishing a plurality of ordered test phases to be executed in a specified order including at least an initialization test phase for preparing said test environment for testing said software application, said initialization test phase capable of being executed prior to an availability of said software application;

transmitting an event to said work flow manager utilizing one of said plurality of computer systems to start execution of selected ones of said plurality of ordered test phases";

as recited in such manners in independent Claims 1, 34, and 67;

"in response to a completion of one of said plurality of tests, executing a validation procedure to validate a result of said one of said plurality of tests;

suspending execution of others of said plurality of tests being executed in response to a failure of said validation procedure to validate said result of said one of said plurality of tests";

as recited in such manners in independent Claims 31, 64, and 97;

in response to a completion of one of said plurality of tests, executing a validation procedure to validate a result of said one of said plurality of tests;

terminating execution of others of said plurality of tests being executed in response to a failure of said validation procedure to validate said result of said one of said plurality of tests"

as recited in such manners in independent Claims 32, 65, and 98;

and so as,

"in response to a completion of one of said plurality of tests, executing a validation procedure to validate a result of said one of said plurality of tests;

spawning a new process in response to said execution of a validation procedure to determine a result of execution of said one of said plurality of tests"

as recited in such manners in independent Claims 33, 66, and 99.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
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April 08, 2005